

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEILA HALOUSEK,

Plaintiff,

v.

SACRAMENTO COUNTY SHERIFF'S
OFFICE AND THE STATE OF
CALIFORNIA,

Defendants.

No. 2:21-cv-2351 TLN DB PS

ORDER

Plaintiff Sheila Halousek is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). Plaintiff commenced this action on December 20, 2021. (ECF No. 1.) Thereafter, orders served on plaintiff were repeatedly returned as undeliverable. As a result, the undersigned issued findings and recommendations on April 5, 2023, recommending that this action be dismissed without prejudice due to plaintiff's failure to provide a current address. (ECF No. 8.) The findings and recommendations were also returned as undeliverable.

On April 13, 2023, plaintiff filed objections to the findings and recommendations, stating that plaintiff "does not have any address other than that already provided this Court." (ECF No. 9.) On June 5, 2023, plaintiff filed a request to transfer venue in this action. (ECF No. 10.) On June 27, 2023, the assigned District Judge adopted the April 5, 2023, findings and

1 recommendations in full, dismissing this action without prejudice, and referring plaintiff's motion
2 to transfer venue to the undersigned for resolution. (ECF No. 11.) Plaintiff's copy of that order
3 was also returned as undeliverable, with a notation that plaintiff had been "Gone for 5 years." On
4 July 5, 2023, plaintiff filed a motion to add a defendant. (ECF No. 12.) On September 27, 2023,
5 plaintiff filed a motion for permission to electronically file documents. (ECF No. 14.)

6 **I. Motion to Transfer Venue**

7 Plaintiff's motion to transfer venue asks that this action be transferred to the Northern
8 District of California pursuant to 28 U.S.C. § 1404(a). (ECF No. 10 at 2.) In the interest of
9 justice a district court may transfer any civil action "to any other district or division where it
10 might have been brought" for the convenience of the parties and of the witnesses. 28 U.S.C. §
11 1404(a).

12 Plaintiff's motion fails to establish that this action could have been brought in the
13 Northern District of California. And the amended complaint alleged that the events at issue
14 occurred in this district. (Am. Compl. (ECF No. 4) at 17-18.) Moreover, this action has been
15 dismissed. As such, the undersigned cannot find that transferring this action would serve the
16 convenience of the parties or of the witnesses. Accordingly, plaintiff's motion to transfer venue
17 will be denied.

18 **II. Motion to Add a Defendant**

19 Plaintiff's July 5, 2023 motion seeks permission "to include an additional defendant" in
20 this action. (ECF No. 12 at 1.) The motion was not noticed for hearing nor does it include a
21 proposed second amended complaint as required by the Local Rules. See Local Rule 137(c);
22 Local Rule 230(b). Moreover, on June 27, 2023, the assigned District Judge dismissed this action
23 without prejudice. (ECF No. 11.) Plaintiff's motion, therefore, will be denied as having been
24 rendered moot.¹

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27 ¹ Because this action was dismissed without prejudice, plaintiff can file a new action with a new
28 complaint including all allegations and defendants plaintiff wishes to name.

III. Motion for Permission to Electronically File

As noted above, this action has been dismissed. Plaintiff's motion for permission to electronically file is, therefore, denied as having been rendered moot.

CONCLUSION

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's June 5, 2023 request to transfer venue (ECF No. 10) is denied;
2. Plaintiff's July 5, 2023 motion to add a defendant (ECF No. 12) is denied as having been rendered moot; and
3. Plaintiff's September 27, 2023 motion for permission to electronically file (ECF No. 14) is denied as having been rendered moot.

DATED: October 6, 2023

/s/ DEBORAH BARNES

UNITED STATES MAGISTRATE JUDGE

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